

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-262-T - ORDER NO. 98-989

DECEMBER 10, 1998

IN RE: Application of Allstates Moving Services,	)	ORDER DENYING	✓
Inc., 386 Spanish Wells Road, Unit A-6,	)	AMENDMENT TO	
Hilton Head Island, SC (Mailing Address: 1	)	CERTIFICATE	
Tupelo Road, Hilton Head Island, SC 29928),	)		
to Amend Class E Certificate of Public	)		
Convenience and Necessity.	)		

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Allstates Moving Services, Inc. (Allstates or the Company), 386 Spanish Wells Road, Unit A-6, Hilton Head Island, South Carolina (Mailing address: 1 Tupelo Road, Hilton Head Island, SC 29928) to amend its Class E Certificate of Public Convenience and Necessity No. 9680 which now reads as follows:

HOUSEHOLD GOODS, AS DEFINED IN R. 103-210(1):

BETWEEN POINTS AND PLACES IN BEAUFORT AND JASPER  
COUNTIES TO POINTS AND PLACES IN SOUTH CAROLINA

The Certificate, when amended, would read as follows:

HOUSEHOLD GOODS, AS DEFINED IN R. 103-210(1):

SHIPMENTS ORIGINATING IN BEAUFORT AND JASPER COUNTIES CAN  
TERMINATE IN ALL POINTS AND PLACES IN SOUTH CAROLINA.  
BACKHAUL SHIPMENTS RETURNING FROM ALL POINTS AND PLACES  
IN SOUTH CAROLINA CAN TERMINATE IN BEAUFORT, JASPER,  
DORCHESTER, CHARLESTON, HAMPTON AND COLLETON COUNTIES.

Pursuant to the instructions of the Commission's Executive Director, appropriate

Notice of the proceeding was published. Four Petitions to Intervene were filed by the

following companies: Carey Moving & Storage of Greenville, Carey Moving & Storage, Inc., Lytle's Transfer & Storage, and Arrow Moving & Storage.

Accordingly, a hearing was held on November 19, 1998 at 10:30 AM in the offices of the Commission, with the Honorable Philip T. Bradley, Chairman presiding. The Applicant Allstates was represented by Ronald Aaron, Esquire. Allstates presented the testimony of Al Adams, General Manager, and Lee McKercher, shipper witness. M.A. Carey appeared as a witness for Carey Moving & Storage of Greenville, and Pat Carey appeared as a witness for Carey Moving & Storage, Inc. Neither Lytle's Transfer & Storage, nor Arrow Moving & Storage presented witnesses or were represented by counsel at the hearing. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented the testimony of L. George Parker, Jr.

Al Adams, General Manager of the Company testified. Adams stated that the Company wishes to expand its current authority to get "backhaul" shipments. Adams noted that this would amount to twelve to fifteen shipments a year. Additional equipment would be added in the form of two tractor trailers and one straight truck. Adams testified that the Company has turned down this type of business because of its lack of authority.

Lee McKercher, a resident of Hilton Head Island, also testified. Mrs. McKercher noted that she had started a new business on the Island moving senior citizens into retirement homes, and that Allstates was "the best." Mrs. McKercher was unable to address the public need for the requested additional "backhaul" authority.

Mike Carey testified for the intervenor Carey Moving & Storage of Greenville. Carey stated his opposition to the requested expanded authority for Allstates. Carey

stated his belief that such “backhaul” opportunities rarely occur, in his opinion.

According to Carey, there are already a number of movers who are already certificated who could handle these shipments, should they arise, and granting the present authority would dilute the available business.

Pat Carey of Carey Moving & Storage, Inc. also testified that the chance for this Company to take “backhaul” shipments was “incredibly small.” Carey points out that the shipper witness, Mrs. McKercher, did not testify that there was a need for a backhaul mover, only that Allstates was operating well in the area in which it already holds authority. Carey also noted that there was already plenty of capacity available for such shipments, should they become available. Finally, Carey noted that enforcement would be problematic on “backhaul” shipments.

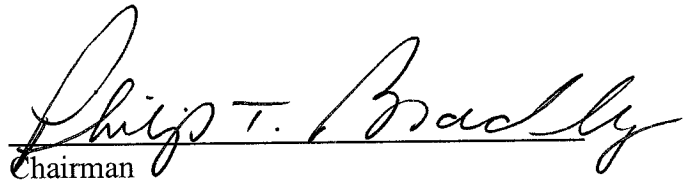
L. George Parker, Jr., Manager of the Commission’s Transportation Department, also appeared. Parker addressed various enforcement problems that he foresaw with the proposed additional “backhaul” authority. First, there is no definition of the parameters of “backhaul” in the statutes or the regulations of the Commission. Various questions therefore arise as to how much time may elapse between the end of an initial shipment, and the beginning of a “backhaul” load. Also, there is a question as to how far a mover may go from the end of his initial shipment to pick up his “backhaul” shipment. In addition, Parker notes that if a bill of lading is not marked “backhaul,” it will be difficult for enforcement officers to determine the “backhaul” status of a shipment. Parker testified that a Commission regulation addressing some of these questions would be helpful for enforcement purposes.

S.C. Code Ann. Section 58-23-590 (Supp. 1997) states that the Commission shall issue a Certificate of Public Convenience and Necessity if the applicant proves two elements to the Commission: first, that it is fit, willing, and able to properly perform the proposed service and comply with the provisions of the chapter and the commission's regulations; and, second, that the proposed service, to the extent to be authorized by the certificate, is required by the present public convenience and necessity. Regulation 103-133 requires that the latter requirement be shown by shipper witnesses. We hold that this statute and regulation apply to requested amendments to certificates as well as applications for new Certificates of Public Convenience and Necessity.

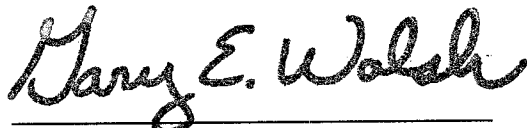
We note that the testimony of Mrs. McKercher, the shipper witness, did not address the public convenience and necessity requirement of the expanded "backhaul" service proposed by Allstates. She testified only with regard to the Company's service on Hilton Head Island, which is service for which the Company presently has authority. Therefore, we must find that the Company has failed to prove the public convenience and necessity element required by the statute, and therefore, the requested amendment must be denied.

This Order shall remain in full force and effect until further Order of the  
Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)